REMARKS

Restriction Requirement Under 35 U.S.C. §121

The Examiner has withdrawn Claims 21-25 from consideration as being directed to a non-elected invention. In particular, the Examiner states that the new claims are sub-combinations of the originally examined claims. The Examiner asserts that the previously examined claims are not required to have a first and second series of non-collinear elongate nor a first and second series of collectively elongate [spaced protuberances]. Applicant traverses this restriction requirement.

Applicant believes new Claims 21-25 to be related to previously examined Claims 1-14, not as combination and sub-combination, but as genus-species; to wit: Applicant's Claim 1 claims, *inter alia*, a first series of elongate spaced protuberances . . . and a second series of elongate spaced protuberances. Further, Claims 21 claims, *inter alia*, a first series of non-collinear elongate spaced protuberances . . . and a second series of non-collinear elongate spaced protuberances. Additionally, Applicant's new Claim 25 claims, *inter alia*, a first series of collectively elongate spaced protuberances . . . and a second series of collectively elongate spaced protuberances. Thus, it can be seen that Applicant's Claim 1, directed toward elongate spaced protuberances, would read on non-collinear elongate spaced protuberances and collectively elongate spaced protuberances.

Applicant respectfully directs the Examiner's attention to M.P.E.P. §806.04(d). In particular, the M.P.E.P. states that, "A generic claim should read on each of the [embodiments]. A generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species." Thus, Applicant respectfully believes that the new claims with the last Office Action are related to the previously examined claims by way of genus-species and not combination, sub-combination as the Examiner asserts. Applicant respectfully requests withdrawal of the election restriction requirement to Claims 21-25.

Rejection Under 35 U.S.C. §102(b)

Claims 1-6 and 13 have been finally rejected under 35 U.S.C. §102(b) over Davidson, U.S. Patent No. 2,164,702. Arguments previously made with respect to the *Davidson* reference will not be repeated for the sake of brevity. However, the Examiner is encouraged to consider the following additional arguments with respect to the *Davidson* reference:

1. Applicant's invention, as presented in Claim 1, claims a web pleating apparatus comprising a first series and second series of **elongate** spaced protuberances each converging in the machine direction.

2. Applicant respectfully directs the Examiner to the definition of "elongate" pursuant to Webster's Third New International Dictionary Unabridged, 1986 (copy enclosed). Webster's defines

"elongate" as "to increase the length of: stretch out;" or "having a form notably long in comparison to its width."

3. The *Davidson* reference is silent with respect to the use of an elongate spaced protuberance as required by Applicant's broad claims. In fact, the *Davidson* reference discloses forming a strip of folded paper that is folded by pressing the paper longitudinally between properly corrugated rollers. *See* Col. 2, lines 55-57.

4. As one of skill in the art would realize, a roller has an aspect ratio of 1, whereas Applicant's elongate spaced protuberances have an aspect ratio greater than 1.

5. Again, Applicant is at a loss to understand how roller elements can be considered elongate and further how the corrugations of said rollers can even be considered to converge in the machine direction, as required by Applicant's broad claims.

Due to these considerations, *Davidson* fails to teach each and every element of Applicant's claimed invention. Because Applicant's claimed invention is clearly novel over *Davidson*, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. §102(b) rejection. Further, Applicant expressly reserves the right of appeal.

Further, because Claims 2-13 all depend directly or indirectly from Applicant's independent Claim 1, they contain all of its limitations. For this reason, Applicant submits that the arguments made above concerning the allowability of Claim 1 are equally applicable to the rejection of Claims 2-13 under 35 U.S.C. §102(b).

Because Applicant's claimed invention is novel and unobvious over the references cited by the Examiner, favorable consideration is requested. Further, Applicant expressly requests rejoinder of the claims withdrawn by the Examiner in the Office Action of August 27, 2003.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicant's remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
CLIFFORD T. PAPSDORF

By: Peter D. Meyer
Attorney for Applicant
Registration No. 47,792
(513) 634-9359

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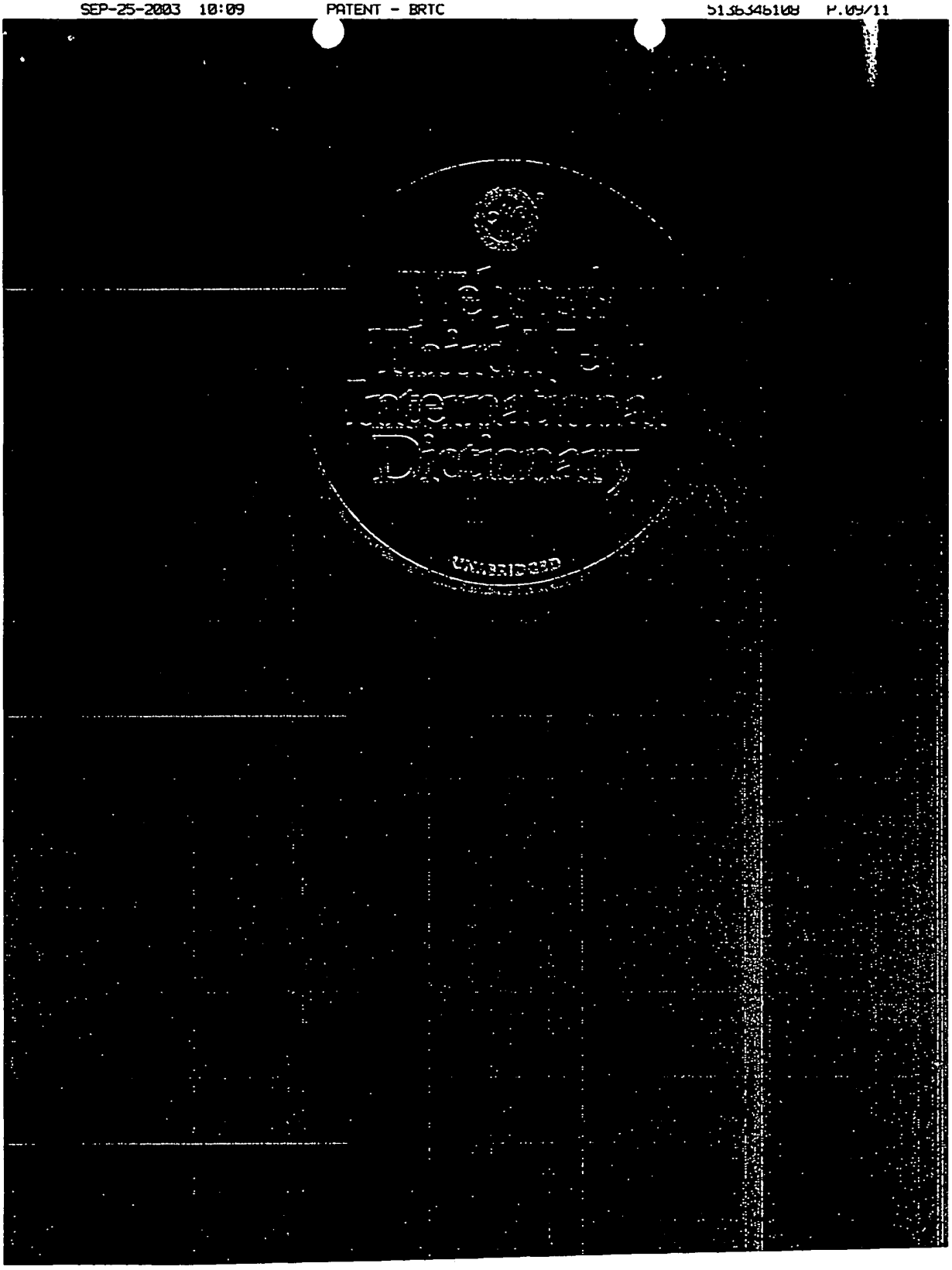
Customer No. 27752



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